

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
ONE HUNDRED FIFTH CONGRESS
OF THE UNITED STATES OF AMERICA

1998

AND

PROCLAMATIONS

VOLUME 112

IN FIVE PARTS

PART 4

PUBLIC LAWS 105-277 THROUGH 105-291



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON 1999

*Public Law 105-277
105th Congress

An Act

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes

Oct 21, 1998
[H R 4328]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:

SEC 101 (a) For programs, projects or activities in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act

AN ACT Making appropriations for Agriculture Rural Development Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999 and for other purposes

Omnibus
Consolidated and
Emergency
Supplemental
Appropriations
Act, 1999

Agriculture,
Rural
Development,
Food and Drug
Administration,
and Related
Agencies
Appropriations
Act 1999

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

INCLUDING TRANSFERS OF FUNDS

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$75,000 for employment under 5 U.S.C. 3109, \$2,836,000 *Provided*, That not to exceed \$11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104-127 *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104-127

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes

Department of
the Interior and
Related Agencies
Appropriations
Act, 1999

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$619,311,000, to remain available until expended, of which \$2,082,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150); and of which \$3,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(1)), and of which \$1,500,000 shall be available in fiscal year 1999 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands, in addition, \$32,650,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$619,311,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation, and hazardous fuels reduction by the Department of the Interior, \$286,895,000, to remain available until expended, of which not to exceed \$6,950,000 shall be for the renovation or construction of fire facilities *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes *Provided further*, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a Bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., Protection of United States Property, may be credited to the appropriation from which funds were expended

for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act *Provided further*, That the State of Maryland may set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977 as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects *Provided further*, That hereafter, donations received to support projects under the Appalachian Clean Streams Initiative and under the Western Mine Lands Restoration Partnerships Initiative, pursuant to 30 U.S.C. 1231, shall be credited to this account and remain available until expended without further appropriation for projects sponsored under these initiatives, directly through agreements with other Federal agencies, or through grants to States, and funding to local governments, or tax exempt private entities

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$1,584,124,000, to remain available until September 30, 2000 except as otherwise provided herein, of which not to exceed \$94,010,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$114,871,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 1999, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs, and of which not to exceed \$387,365,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 1999, and shall remain available until September 30, 2000, and of which not to exceed \$52,889,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, the Navajo-Hopi Settlement Program *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian

Self-Determin
not to exceed
made availabl
and tribal or,
with the opera
hereafter fun
through contr
by the Indian
by the Indian
and 2008A) sh
or grantee
uniformity wr
in this Act
reprogramme
within the C
after notwit
governments
or by other
change the a
within the se
eligible for g
are applied in
and, that any
for use in m
net increase
from tribally
be met exclu
its tribal pri
funds allocat
30, 2000, ma
forest land a
tribe within
any such un
September 30
use tribal pri
of school fac
as such repl
completed wi
funds: *Provi
of Indian P
ending Septe
to read as f
legislation is
take land in
territory in
Nation".*

For cons
irrigation an
ties, includin
acquisition o
lands for far
tion Project
available un
be available
Project may

ed to treatment
ned mines. Pro
nt with the pur
and Reclamation
d may set aside
al of the grants
Surface Mining
(30 U.S.C. 1231
an acid mine
d under a State
with all interest
te to undertake
ects, except that
title IV grants
t and treatment
Surface Mining
s. *Provided fur*
projects under
ler the Western
pursuant to 30
remain available
jects sponsored
ents with other
funding to local

Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$42,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further*, That hereafter funds made available to tribes and tribal organizations through contracts, compact agreements, or grants, as authorized by the Indian Self-Determination Act of 1975 or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That hereafter, to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than two years may be reprogrammed to two year availability but shall remain available within the Compact until expended: *Provided further*, That hereafter notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated and, that any savings realized by such changes shall be available for use in meeting other priorities of the tribes and, that any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2000, may be transferred during fiscal year 2001 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2001: *Provided further*, That hereafter tribes may use tribal priority allocations funds for the replacement and repair of school facilities in compliance with 25 U.S.C. 2005(a), so long as such replacement or repair is approved by the Secretary and completed with non-Federal tribal and/or tribal priority allocation funds: *Provided further*, That the sixth proviso under Operation of Indian Programs in Public Law 102-154, for the fiscal year ending September 30, 1992 (105 Stat. 1004), is hereby amended to read as follows: "*Provided further*, That until such time as legislation is enacted to the contrary, no funds shall be used to take land into trust within the boundaries of the original Cherokee territory in Oklahoma without consultation with the Cherokee Nation"

25 USC 450j
note

25 USC 13d-3

25 USC 2005
note

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract, acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$123,421,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided*

Indian programs,
of November 2,
and Education
s amended (the
-2019) and the
2501 et seq.),
until September
if which not to
payments and
ing but not lim-
5, as amended,
yments to tribes
associated with
ling agreements
iscal year 1999,
tribal organiza-
unmet indirect
annual funding
s, and of which
osts of Bureau-
become available
September 30,
remain available
aintenance, attor-
the Indian Self-
he Navajo-Hopi
ding any other
to the Indian

as defined in section 1.201-2 of the Regulations.
Provided further, that the amount of the loan principal, as of the date of the filing of this petition, is \$59,681,698.

For implementation of fractional interest agreement, of which not to be expenses. *Provided* agreement, which amended, with a to implement that of such tribe. For a reservation-w. of various types offered for acquisition, shall be determined by be available for restricted lands value, and the interests acquired. That all proceeds of-way or other shall be credited expended, until this appropriation *further*; That on subsequent proceeds of the applicable

The Bureau of Indian programs, agreements, contracts with States and

Appropriations from the revolving fund for the purchase of fund, and the amount shall be available for the purchase of 229 passenger cars and for replacement of the same.

Notwithstanding to the Bureau pooled overhead and maintenance compacts, or c Affairs under t or the Tribal S

Notwithstanding
to the Bureau,
ance to public s

monity available
 Highway Trust
 na ent costs
 provided for the
 shall be made
 further, That for
 on or facilities
 \$100,000 that
 er Public Law
 shall use the
 Principles for
 the regulatory
 all not be sub-
 the grantee
 for the work
 g applications,
 tribe or tribal
 construction
 and codes and
 as required
 and financial
 the Secretary
 requirements
 any disputes
 a grant shall
 08(e) *Provided*
 5-18, making
 Bureau of Indian
 in the severe
 lie on a non-

as defined in section 502 of the Congressional Budget Act of 1974
Provided further, That these funds are available to subsidize total
 loan principal, any part of which is to be guaranteed, not to exceed
 \$59,681,698.

In addition, for administrative expenses to carry out the
 guaranteed loan programs, \$500,000

INDIAN LAND CONSOLIDATION PILOT

For implementation of a pilot program for consolidation of
 fractional interests in Indian lands by direct expenditure or coopera-
 tive agreement, \$5,000,000 to remain available until expended,
 of which not to exceed \$250,000 shall be available for administrative
 expenses: *Provided*, That the Secretary may enter into a cooperative
 agreement, which shall not be subject to Public Law 93-638, as
 amended, with a tribe having jurisdiction over the pilot reservation
 to implement the program to acquire fractional interests on behalf
 of such tribe *Provided further*, That the Secretary may develop
 a reservation-wide system for establishing the fair market value
 of various types of lands and improvements to govern the amounts
 offered for acquisition of fractional interests *Provided further*, That
 acquisitions shall be limited to one or more pilot reservations as
 determined by the Secretary *Provided further*, That funds shall
 be available for acquisition of fractional interests in trust or
 restricted lands with the consent of its owners and at fair market
 value, and the Secretary shall hold in trust for such tribe all
 interests acquired pursuant to this pilot program *Provided further*,
 That all proceeds from any lease, resource sale contract, right-
 of-way or other transaction derived from the fractional interest
 shall be credited to this appropriation, and remain available until
 expended, until the purchase price paid by the Secretary under
 this appropriation has been recovered from such proceeds *Provided*
further, That once the purchase price has been recovered, all subse-
 quent proceeds shall be managed by the Secretary for the benefit
 of the applicable tribe or paid directly to the tribe

MISCELLANEOUS

dividuals
 to remain
 be available
 claim settle-
 -575, and for
 ments, and of
 the Laws 99-
 in fiscal year
 sell land and
 acquired in
 Water Quality
 be deposited
 Wildlife Fund,
 agreement,
 of benefits
 the Law 101-

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation
 of Indian programs by direct expenditure, contracts, cooperative
 agreements, compacts and grants, either directly or in cooperation
 with States and other organizations

Appropriations for the Bureau of Indian Affairs (except the
 revolving fund for loans, the Indian loan guarantee and insurance
 fund, and the Indian Guaranteed Loan Program account) shall
 be available for expenses of exhibits, and purchase of not to exceed
 229 passenger motor vehicles, of which not to exceed 187 shall
 be for replacement only

Notwithstanding any other provision of law, no funds available
 to the Bureau of Indian Affairs for central office operations or
 pooled overhead general administration (except facilities operations
 and maintenance) shall be available for tribal contracts, grants,
 compacts, or cooperative agreements with the Bureau of Indian
 Affairs under the provisions of the Indian Self-Determination Act
 or the Tribal Self-Governance Act of 1994 (Public Law 103-413)

Notwithstanding any other provision of law, no funds available
 to the Bureau, other than the amounts provided herein for assist-
 ance to public schools under 25 U.S.C. 452 et seq., shall be available

VT

as authorized
provided, That
 plans, shall be

to support the operation of any elementary or secondary school in the State of Alaska

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$66,175,000, of which (1) \$62,326,000 shall be available until expended for technical assistance including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research, grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)), grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions, grants to the Government of the Virgin Islands as authorized by law, grants to the Government of Guam, as authorized by law, and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241, 90 Stat. 272), and (2) \$3,849,000 shall be available for salaries and expenses of the Office of Insular Affairs. *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code. *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands grant funding. *Provided further*, That of the Covenant grant funding for the Government of the Northern Mariana Islands \$5,000,000 shall be used for the construction of prison facilities and \$500,000 shall be used for construction and equipping of a crime laboratory unless the Secretary determines that acceptable alternative financing for these projects is already in place. *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation. *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including

48 USC 1469c

management and maintenance (with determined by the commitment to the *further*, That any heading in this as non-Federal grants provided Disaster Relief a

For economic States of as provided for Compact of Free necessary expenses 122, 221, 223, 2, \$20,930,000, to Public Law 99-23

For necessary of the Interior, be for official re to exceed \$5,000 to section 123 of for workers com tion payments a States Bureau of

For necessary \$36,784,000.

For necessary \$25,486,000

OFFICE C

For operation ture, contracts, \$39,499,000, to funds for trust the Bureau of I available to Tru grants obligated